

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:20-cv-477-BO

KAHLEIGHIA N. ROGERS, *et al.*, )  
Plaintiffs, )  
v. )  
CUMBERLAND COUNTY )  
DEPARTMENT OF SOCIAL SERVICES, )  
*et al.*, )  
Defendants. )  
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)

O R D E R

This matter is before the Court on plaintiff's motion for release for false imprisonment. Plaintiffs allege that, after they took their two minor children from the custody of the Department of Social Services, they were arrested and wrongfully charged with felony kidnapping and conspiracy. A lawful arrest by police cannot form the basis for a false imprisonment claim. *See Trull v. Smolka*, 411 F. App'x 651, 659 (4th Cir. 2011) (citation omitted). Plaintiffs allege that they were wrongfully imprisoned by the police in Harnett County, but they do not show that the police had no probable cause to arrest them. Furthermore, this Court lacks jurisdiction to release plaintiffs, sentence plaintiffs, or modify or dismiss the charges against them, and plaintiffs should seek this relief in the court in which the charges were brought. For the foregoing reasons, the Court DENIES plaintiffs' motion to release for false imprisonment.

SO ORDERED, this 7 day of May, 2021.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE